

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-33 remain pending. Claims 1, 7, 12, 20, and 27 are independent.

**§ 102 REJECTION – MAO**

Claims 1-3, 6-8, 12, 14-17 and 20 stand rejected under 35 USC 102(e) as allegedly being anticipated by Mao et al. (US Publication 2003/0115612). *See Final Office Action item 4.* Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Regarding claim 20, it is noted that the Examiner admits Mao fails to teach or suggest all recited elements of claim 20. *See Final Office Action, page 9, line 21 – page 10, line 1.* Thus, by Examiner's own admission, claim 20 is distinguishable over Mao individually.

Regarding the other rejected claims, Mao also fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, in part "checking whether or not the data contents to be displayed are consistent

with the current A/V signal.” *Emphasis added*. Independent claims 7 and 12 also recite similar features.

In the reply filed on August 23, 2004, Applicants argued that Mao cannot be relied upon to teach or suggest at least this feature. Applicants maintain this argument.

In response to the Applicants’ arguments, the Examiner alleged that Mao inherently teaches this feature. *See Final Office Action, item 1*. The Examiner alleged that it is necessary in the system of Mao to check if the data is consistent with the A/V signal. To support this allegation, the Examiner indicated that when a user changes a channel, the processor “checks” to see what web pages are synchronized, or consistent, with the newly tuned content, and relied upon paragraphs 0058, 0063, and 0081 for the alleged support. None of these paragraphs may be relied upon to teach or suggest the above recited feature.

It is important to note that as recited, it is required that the current audiovisual signal is checked to determine if the data content to be displayed is consistent with the current audiovisual signal.

Contrary to the Examiner’s allegation, Mao cannot be relied upon to teach or suggest at least this feature. In paragraph 0058 of Mao, it is merely disclosed that when a simulcast web page request is received, a table lookup is

performed to locate the desired web page. There is no checking performed inherently or otherwise.

In paragraph 0063, again it is merely disclosed that to find a desired web page, a table lookup is performed to determine which data package should be received. Again, this is merely an action that takes place to retrieve data once the desired web page is known. There is no checking to determine consistencies between the desired web page and the currently viewed program, inherently or otherwise.

In paragraph 0081, it is merely disclosed that the simulcast web pages are automatically synchronized to the content of the broadcast video program. Once again, this is merely an action that takes place within the system of Mao but does not indicate that a checking to determine consistency between the currently viewed program and a data content to be displayed are consistent, inherently or otherwise.

The Examiner alleged that when the processor receives a change channel command, it still must "check" the list of available pages for consistent information. *See Final Office Action, page 3 lines 1-2.* Applicants respectfully disagree. First, Mao merely discloses that when user selects a channel, this information is used by the demultiplexer 808 to a predetermined MPEG-2 location to find a first control table HPAT. *See paragraph 0061.* Using the

control table HPAT, the HPMT and HEIT tables are populated (see paragraph 0062) and this information is in turn used to store the broadcast and simulcast web pages. In other words, at best, Mao may be interpreted to disclose that the web pages are populated to the set top box when a channel change occurs. However, Mao is entirely silent regarding whether any checking is performed to determine consistency.

Second, the Examiner states that when a change channel request occurs, the data is known to be "not consistent" with the audiovisual programming. *See Final Office Action lines 2-4.* This is antithetical to the feature as recited. If the data is known not to be consistent with the current audiovisual programming, it would be illogical to compare the data and the audiovisual programming to determine if they are consistent in the first place.

It is clear that the Examiner's logic fails and Mao cannot be relied upon to teach or suggest the features of independent claims 1, 7, 12, and 20. Claims 2-3, 6, 8, and 14-17 depend from independent claims 1, 7 or 12 directly or indirectly. Thus, for at least the reasons stated above, the dependent claims are also distinguishable over Mao.

Applicants respectfully request that the rejection of claims 1-3, 6-8, 12, 14-17 and 20 based on Mao be withdrawn.

§ 103 REJECTION – MAO, KAPLAN

In the Office Action, it is stated that claims 4, 5, 8, 19, 20, 22-27 and 29-33 are rejected under 35 USC 103(a) as being unpatentable over Mao in further view of Kaplan (USP 6,058,430). *See Final Office Action item 5.* It appears that the Examiner intended to reject claim 18 rather than claim 8 since claim 18 is discussed. *See Final Office Action page 8, second whole paragraph.* Therefore, Applicants will treat this as a rejection of claims 4, 5, 18, 19, 20, 22-27 and 29-33 as allegedly being unpatentable over Mao in view of Kaplan. As such, Applicants respectfully traverse.

Regarding claims 4, 5, 18, and 19, it is noted that these claims depend from independent claims 1 or 12. It has been shown above, that claims 1 and 12 are distinguishable over Mao. Kaplan has not been, and indeed cannot be relied upon to correct for at least the above noted deficiency of Mao. Therefore, claims 1 and 12 are distinguishable over the combination of Mao and Kaplan. For at least due to the dependency thereon, claims 4, 5, 18 and 19 are also distinguishable over the combination of Mao and Kaplan.

Regarding the rejection of other claims, it is noted that independent claim 20 recites, in part, “upon receipt of a channel change request, determining whether current data contents correspond to the requested channel and changing the data contents to correspond to the requested

channel if it is determined that the current data contents do not correspond to the requested channel.” Independent claim 21 recites a similar feature. The Examiner alleged that Mao teaches this feature. *See Final Office Action page 9, lines 13-20.*

However, as demonstrated above, Mao lacks details regarding the operations performed when a channel change request is received. At best, channel selection is utilized to select correct MPEG-2 data packets. There is no discussion regarding whether checking is performed to determine whether the current data contents correspond to the requested channel. Indeed, by Examiner’s own words, Mao cannot be relied upon to teach or suggest this feature. The Examiner clearly stated that when a channel change occurs, the data is known not to be consistent with the audiovisual programming. *Emphasis added, see Final Office Action, page 3 lines 2-4.* Again, if something is known, it would be illogical to check for the result that is already known.

It is noted that Kaplan is not and indeed cannot be, relied upon to correct for at least this deficiency of Mao.

Independent claim 20 also recites in part “upon receipt of data content change request, determining whether a current channel corresponds to the requested data content change and changing the channel to correspond to the requested data content change if it is determined that the current channel does

not correspond to the requested data content change." Independent claim 27 also recites a similar feature.

In the Office Action, the Examiner admitted that Mao cannot be relied upon to teach or suggest this feature. *See Final Office Action, page 9, line 21 – page 10, line 1.* However, contrary to the Examiner's allegation, Kaplan cannot be relied upon to correct for at least this deficiency of Mao.

The Examiner alleged that Kaplan shows tuning to a channel based upon changing the data contents. *See Final Office Action page 10, lines 1-2.* The Examiner specifically relied upon column 6, lines 22-53 of Kaplan for alleged support.

However, a closer inspection of the relied upon portion merely indicates that information pertaining to a specific channel programming can be acquired while navigating the Internet. The user then has the option to watch the program referred by the Internet web page. Upon exiting the Internet, the channel would be automatically changed to the referred program.

Clearly, there is no checking performed whatsoever regarding whether the Internet site corresponds to the current channel since the channel is charged no matter what. Thus, Kaplan cannot be relied upon to teach or suggest this feature.

For at least the reasons stated above, independent claims 20 and 27 are distinguishable over the combination of Mao and Kaplan. Claims 22-26 and 29-33 depend from independent claims 20 and 27, directly or indirectly. Therefore, for at least the reasons stated above with respect to claims 20 and 27, these dependent claims are distinguishable over the combination of Mao and Kaplan. Applicants request that the rejection of claims 4, 5, 18, 19, 20, 22-27 and 29-33 based on Mao and Kaplan be withdrawn.

§ 103 REJECTION – MAO

Claims 9, 10, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mao. Applicants respectfully traverse.

Claims 9, 10, and 13 depend from independent claims 7 and 12. It has been shown above that claims 7 and 12 are distinguishable over Mao. Therefore, for at least due to the dependency on claims 7 and 12, claims 9, 10, and 13, are also distinguishable over Mao.

Applicants respectfully request that the rejections of claims 9, 10, and 13 based on Mao be withdrawn.



§ 103 REJECTION – MAO, SHOFF

Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mao in view of Shoff (USP 6,240,555). Applicants respectfully traverse.

Claim 11 depends from independent claim 7, and it has been shown above that claim 7 is distinguishable over Mao. Shoff has not been, and indeed cannot be, relied upon to teach at least the above noted deficiencies of Mao. Therefore, claim 7 is also distinguishable over the combination of Mao and Shoff.

For at least due to its dependency on claim 7, claim 11 is also distinguishable over the combination of Mao and Shoff.

Applicants respectfully request that the rejection of claim 11 based on Mao and Shoff, be withdrawn.

§ 103 REJECTION – MAO, KAPLAN, SHOFF

Claims 21 and 28 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Mao in view of Kaplan and Shoff. Applicants respectfully traverse.

Claims 21 and 28 depend from independent claims 20 and 27, respectively. It has been shown above that claims 20 and 27 are distinguishable over Mao and Kaplan. Shoff has not been and indeed cannot be relied upon to correct for at least the above noted deficiencies of Mao and Kaplan. Therefore, claims 20 and 27 are distinguishable over the combination of Mao, Kaplan and Shoff. For at least due to the dependency thereon, claims 21 and 28 are also distinguishable over the combination of Mao, Kaplan and Shoff.

Applicants respectfully request that the rejection of claims 21 and 28 based on Mao, Kaplan and Shoff be withdrawn.

#### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection

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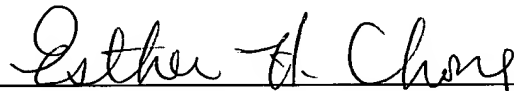
with the present application and the required fee of \$120 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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